

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT**

I, Carolyn Amber Gale, a Special Agent with the Federal Bureau of Investigation (FBI),
being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for an Arrest Warrant for JAMES PATRICK GIANNAKOS, JR, address of 1316 Misty Lane, Gilbert, South Carolina 29054.

2. I am a Special Agent with the FBI and have been so employed since October 27, 2019. During my training at the FBI Academy, Quantico, Virginia, and through my experience as a Special Agent, I have received education in a variety of investigative and legal matters, including the topics of Fourth Amendment searches and seizures, the drafting of search warrant affidavits, and probable cause. I am currently assigned to the Joint Terrorism Task Force (JTTF) in the Columbia Division where I am tasked with investigating terrorism-related crimes. Prior to joining the FBI, I served as a patrol deputy with the Stafford County Sheriff's Office in Virginia. I received a Bachelor's Degree in Criminal Justice and a Master's Degree in Criminal Justice—Forensic Psychology.

3. As a federal agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States. The information contained in this affidavit is based on my knowledge of the investigation and information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that GIANNAKOS did commit acts in violation of Title 18 U.S.C. §

875(c) (transmitting in interstate commerce any communication containing a threat to injure the person of another).

4. When I assert that a communication was made on a certain date, I mean that the communication was made “on or about” that date.

PROBABLE CAUSE

5. In January 2021, multiple media platforms published publicly available articles that disclosed information about Enrique Tarrio, the leader of Proud Boys¹, providing information to law enforcement to aid in the incarceration of numerous individuals. According to the articles, a former Assistant United States Attorney (AUSA) indicated that the information Tarrio provided to authorities led to the prosecution of approximately 13 individuals.

6. On January 27, 2020, the former AUSA contacted FBI Miami to report two “hate” e-mails she received from unknown individuals. Additionally, the former AUSA reported that the management of her law firm, had received voicemails from individuals who were upset over her continued employment with the law firm.

7. On January 28, 2021, FBI Miami was contacted to report a threatening voicemail received from phone number 803-317-8887. The following is a transcription of the voicemail left for the former AUSA:

- a. “Miss (name known to the FBI), my name’s James. I just wanted you to know that if anything happens to Mr. Enrique Tarrio, the same thing will happen to you and your family. I cannot believe you released the CI information, if that’s even true.

¹ Proud Boys is an extremist right-wing group that has gained a reputation for leading protests that often turned violent in cities such as Washington, D. C. and Portland, Oregon.

If anything happens to him, I promise you and your associates will pay for it. You will be held responsible.”

8. On February 1, 2021, I interviewed the former AUSA, she stated that she was “terrified” for her safety and the safety of her children. After receiving the threatening voicemail, the former AUSA ran into a meeting to inform others of how scared she was. Additionally, her law firm added security cameras for protection, and she has requested Miami Police Department protect her residence.

9. On January 29, 2021, of the General Counsel for for the former AUSA’s law firm contacted FBI Miami to report additional threatening voicemails that were left on the answering machines of several other employees. The voicemails were left by phone number 803-317-8887 – the same number used in the voicemail left for for the former AUSA. The following is a list of voicemails and the content of those voicemails:

a. The law firm’s Orlando office, received the following message:

i. “Yes ma’am, I was trying to get in touch with you to let you know that if anything happens to Enrique Tarrio because when...(UI)...Miss (name of the former AUSA) and your associates released his name, then the same thing will happen to you and your associates. Be safe.”

b. The law firm’s Tampa Office received the following message:

i. “Oh yes ma’am, I am calling to let you know that Miss (name of the former AUSA)releasing the information on Enrique Tarrio was not only illegal, but immoral. If anything happens to Mr. Tarrio or his family, the same thing will happen to you and your associates. Be safe.”

c. The law firm’s Miami office received the following message:

i. "This message is for you at Carlton Fields. You need make sure that Miss (name of the former AUSA) definitely prosecuted for releasing the information...on a CI and that...if anything happens to Enrique Tarrío that Miss (name of the former AUSA)'s family is in danger and so are you. Have a good day."

d. The law firm's Los Angeles office received the following message:

i. "Hello, I am calling to let you know that one of your associates, (name of the former AUSA), released confidential information on someone. If that's true. If anything happens to Mr. Tarrío, the same thing will happen to you and your family. Be safe."

e. The law firm's Tampa office received the following message:

i. "Hello, I am calling to let you know that one of your associates, (name of the former AUSA), released confidential information on someone...on an informant. If that's true, not only is that illegal, but it's immoral. If anything happens to Mr. Tarrío or his family, the same thing will happen to you and your associates. Thank you."

f. The law firm's Tampa office received the following message.

i. "Hello Miss (name of an employee), one of your associates, Miss (name of the former AUSA), released confidential information on a client. Not only is that illegal and immoral...but if anything happens to Mr. Tarrío the same thing will happen to you and your associates. Be safe."

10. Following the initial call to the former AUSA, FBI Miami submitted an exigent request to T-Mobile to release subscriber information for 803-317-8887. The records provided

from T-Mobile indicated Sabrina Cubera of 1316 Misty Lane, Gilbert, South Carolina 29054 is the subscriber for 803-317-8887. T-Mobile also indicated the phone pinged within two miles of Cubera's address on or about January 28, 2021.

11. FBI Columbia conducted database checks and determined that Cubera has a close associate named JAMES PATRICK GIANNAKOS, JR. Further records checks indicated GIANNAKOS resides with Cubera on Misty Lane.

12. On February 1, 2021, I called 803-317-8887, a male believed to be GIANNAKOS answered the number.

13. On February 1, 2021, a Special Agent with the FBI knocked on the listed address and GIANNAKOS answered the door.

14. A search of GIANNAKOS' criminal record shows that he has been previously convicted of Assault and Battery of a High and Aggravated Nature.

15. Surveillance on GIANNAKOS indicates that he is unemployed and spends a large amount of time at the Gilbert address, while Cubera appears to be employed with Prisma.

SUMMARY

16. I respectfully submit that there is probable cause to believe that JAMES PATRICK GIANNAKOS, JR. is in violation of Title 18 U.S.C. § 875(c)—transmitting in interstate commerce any communication containing a threat to injure the person of another. GIANNAKOS identified himself on multiple voicemails he made using a phone registered to a cohabitant (Cubera). The voicemails threatened the former AUSA, her family and associates. Additionally, GIANNAKOS indicated the former AUSA and her family are “in danger.”

This affidavit has been reviewed by AUSA Jim May.

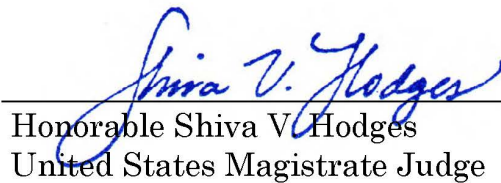


Carolyn Amber Gale
Special Agent
Federal Bureau of Investigation

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 41(d)(3),
AS APPLICABLE

This 2nd day of February, 2021
Columbia, South Carolina

This affidavit was sworn to by the affiant, who attested to its contents pursuant to Fed. R. Crim. P. 4.1(b)(2)(A) by telephone after a document was transmitted by email pursuant to Fed. R. Crim. P. 4.1.



Honorable Shiva V. Hodges
United States Magistrate Judge

